



GP-1744

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. Habing et al.

Attorney Docket No. PREC115689

Serial No.: 09/602,198

Group Art Unit: --

Filed: June 22, 2000

Examiner: --

Title: EXERCISE MACHINE PRESS ARM

RECEIVED  
OCT 11 2000  
TC 1700 MAIL ROOM

**REVOCATION AND POWER OF ATTORNEY AND CERTIFICATION UNDER**

**37 C.F.R. § 3.73(b) OF RIGHT OF ASSIGNEE TO TAKE ACTION**

**AND REQUEST FOR ENTRY OF POWER OF ATTORNEY**

**TO THE DIRECTOR - U.S. PATENT AND TRADEMARK OFFICE:**

**I. POWER OF ATTORNEY**

The undersigned assignee hereby revokes all previous powers of attorney given and filed in this application and hereby appoint the firm of Christensen O'Connor Johnson Kindness<sup>PLLC</sup> and Bruce E. O'Connor, Reg. No. 24,849; Lee E. Johnson, Reg. No. 22,946; Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827; James R. Uhler, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418; Dennis K. Shelton, Reg. No. 26,997; Jeffrey M. Sakoi, Reg. No. 32,059; KiSong Kim Lang-Caditz; Ward Brown, Reg. No. 28,400; F. Ross Boundy; Robert J. Carlson, Reg. No. 35,472; Marcia S. Kelbon, Reg. No. 34,358; Rodney C. Tullett, Reg. No. 34,034; Daiva K. Tautvydas, Reg. No. 36,077; and Mary L. Čulić, Reg. No. 40,574; members of the firm, as its attorneys with full power of substitution and revocation to prosecute this application to issuance, and to transact all business in the United States Patent and Trademark Office connected therewith and to receive the Letters Patent.

Please address all further correspondence relating to this application to:

CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>

1420 Fifth Avenue

Suite 2800

Seattle, WA 98101-2347

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1 II. CERTIFICATION UNDER 37 C.F.R. 3.73(b) OF RIGHT OF ASSIGNEE TO TAKE  
2 ACTION

3 Illinois Tool Works Inc., a Delaware corporation, having a principal place of business at 3600  
4 West Lake Avenue, Glenview, IL 60025 U.S.A. is the assignee of the entire right, title and interest  
5 in the above-identified continuation patent application by a chain of title including an assignment  
6 from the inventors of the prior U.S. Patent Application Serial No. 09/271,689, filed March 18, 1999,  
7 now U.S. Patent No. 6,080,091, issued June 27, 2000. The previous assignment from the inventors  
8 of the prior patent application to Pacific Fitness Incorporated was recorded on July 16, 1997, at  
9 reel 008652, frame 0831. The assignment from Pacific Fitness Incorporated to Precor Incorporated  
10 was recorded on October 19, 1998, at reel 009547, frame 0334. The assignment from Precor  
11 Incorporated to Illinois Tool Works Inc., a copy of which is attached, was submitted to the U.S.  
12 Patent and Trademark Office for recordation on September 18, 2000.

13 The undersigned has reviewed the documents in the chain of title of the patent application  
14 identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee  
15 identified above.

16 The undersigned (whose title is supplied below) is empowered to act on behalf of the  
17 assignee.

18 The assignee hereby requests that the Power of Attorney for this application be entered in the  
19 file of this application and be given full force and effect.

20 I hereby declare that all statements made herein of my own knowledge are true and that all  
21 statements made on information and belief are believed to be true and, further, that these statements  
22 were made with the knowledge that willful false statements and the like so made are punishable by  
23  
24  
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1 fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such  
2 willful false statements may jeopardize the validity of the application or any patent issued thereon.

3 Respectfully submitted,

4 ILLINOIS TOOL WORKS INC.

5  
6  
7 Date: 9/20/00

Roll

8 Mark W. Croll  
9 Vice President, Patents and Technology

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1-31-92



# RECORDATION FORM COVER SHEET TRADEMARKS ONLY

# COPY

 Patent and Trademark Office  
 Attorney Docket No: ITW1517348

To the Honorable Commissioner for Trademarks: Please record the attached original documents or copy thereof.

 1. Name of conveying party(ies):  
 Precor Incorporated

- ☐ Individuals                      ☐ Association  
☐ General Partnership           ☐ Limited Partnership  
☒ Corporation-State of Delaware  
☐ Other \_\_\_\_\_

 Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment                      ☐ Merger  
☐ Security Agreement           ☐ Change of Name  
☐ Other \_\_\_\_\_

 Execution date: July 14, 2000

2. Name and address of receiving party(ies):

 Name: Illinois Tool Works Inc.  
 Address: 3600 West Lake Avenue  
 City: Glenview State: IL ZIP: 60025

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association State of \_\_\_\_\_  
☐ General Partnership State of \_\_\_\_\_  
☐ Limited Partnership State of \_\_\_\_\_  
☒ Corporation-State State of Delaware  
☐ Other \_\_\_\_\_

 If assignee is not domiciled in the United States, a domestic representative designation is attached? ☐ Yes ☒ No

 (Designation must be a separate document from Assignment)  
 Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

A. Trademark Application No(s). SEE ATTACHED SCHEDULE A

B. Trademark Registration No(s). SEE ATTACHED SCHEDULE A

 Additional numbers attached? ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed.

 James R. Uhler, Esq.  
 CHRISTENSEN O'CONNOR  
 JOHNSON KINDNESS<sup>PLLC</sup>

 1420 Fifth Avenue  
 Suite 2800  
 Seattle, WA 98101-2347  
 206.682.8100

 6. Total number of applications and registrations involved: 51

 7. Total fee (37 CFR 3.41):.....\$ 1290.00

 Check Nos. 120483 and 120669 in the total amount of \$1290.00 is enclosed.

8. The Commissioner is authorized to charge any fees that may be required or credit any overpayment to Deposit Account Number 03-1740.

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James R. Uhler  
 Name of Attorney or Agent  
 Registration No. 25,096  
 Direct Dial 206.695.1703

Signature

9-18-00  
 Date

 Total number of pages including cover sheet, attachments and document: 4

OMB No. 0651-0011 (exp. 4/94)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on \_\_\_\_\_

 Date: SEPTEMBER 18, 2000

## ASSIGNMENT

WHEREAS, Precor Incorporated., a Delaware corporation having a principal place of business at 20001 North Creek Parkway, Bothell, Washington 98011 U.S.A. (hereinafter the "ASSIGNOR"), is the owner of the United States letters patents and patent applications listed in Schedule A attached hereto (hereinafter the "PATENT CASES");

WHEREAS, Illinois Tool Works Inc., a Delaware corporation having a principal place of business at 3600 West Lake Avenue, Glenview, IL 60025 U.S.A. (hereinafter the "ASSIGNEE"), is desirous of acquiring the entire right, title and interest of the Assignor in and to the PATENT CASES;

NOW, THEREFORE, for sufficient, good, and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR does hereby sell, assign and transfer unto ASSIGNEE its entire right, title and interest in and to the said PATENT CASES, as entirely as the same would have been held and enjoyed by Assignor had this Assignment not been made.

Executed at Bothell, Washington, this 14 day of July, 2000.

PRECOR INCORPORATED

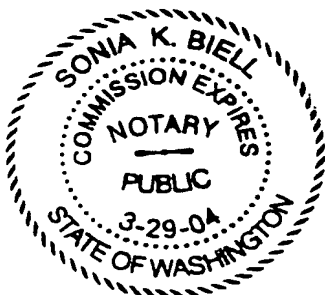
Thomas Moran

Name: Thomas Moran

Title: Vice President, Engineering

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that Thomas Moran is the person who appeared before me, and acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Vice President of Engineering of Precor Incorporated, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

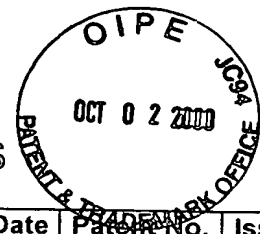


Sonia K. Biell  
Notary Public

My commission expires 3-29-04

# SCHEDULE A

## U.S. PATENTS AND APPLICATIONS



Our Ref:	Title	Serial No.	Filing Date	Patent No.	Issue Date
4447	EXERCISE TREADMILL	468,100	1/10/1990	4,974,831	12/4/1990
5270	EXERCISE APPARATUS	07/670,329	3/15/1991	5,254,059	10/19/1993
5284	EXERCISE TREADMILL	621,632	12/4/1990	5,184,988	2/9/1993
12780	FLEXIBLY COORDINATED MOTION ELLIPTICAL EXERCISER	09/271,733	3/18/1999		
12952	STATIONARY EXERCISE DEVICE	09/382,556	8/25/1999		
13007	EXERCISE CYCLE	29/095,121	10/15/1998		
13174	FLEXIBLY COORDINATED STATIONARY EXERCISE DEVICE	09/298,349	4/23/1999		
13257	DISPLAY PANEL	103,644	4/19/1999	D427,156	6/27/2000
13259	EXERCISE TREADMILL	29/102,098	3/17/1999		
13266	CONTROL PANEL	09/369,959	8/6/1999		
13661	CONTROL PANEL	29/110,351	9/3/1999		
13708	CROSSTRAINER DESIGN	29/110,353	9/3/1999	D429,781	08/22/00
13808	BI-DIRECTIONAL CAM EXERCISE MACHINE	09/044,555	Q03/19/98	5,885,193	03/23/99
13872	SUSPENSION SYSTEM FOR EXERCISE APPARATUS	09/441,491	9/20/1999		
13945	ARTICULATED UPPER ARM EXERCISER	08/865,475	05/29/97	5,897,467	04/27/99
13948	COMBINED PRESS AND ROW EXERCISE ARM	08/938,076	09/26/97	5,971,895	10/26/99
13949	CROSSOVER EXERCISER	09/004,622	01/08/98	5,987,954	10/19/99
13950	EXERCISE MACHINE ADJUSTING MECHANISM	08/680,009	07/15/96	5,904,638	05/18/99
13955	PHYSICAL EXERCISER (NEWPORT DESIGN)	07/473,174	01/30/91	D324,710	03/17/92
13956	MOLDED SEAT CUSHION FOR EXERCISE APPARATUS	07/857,796	03/25/92	D341,176	12/09/93
13957	EXERCISE MACHINE	29/009,701	06/17/93	D358,183	05/09/95
13958	EXERCISE MACHINE	29/003,824	01/20/95	D370,040	05/21/96
13960	CALF ISOLATING EXERCISE MACHINE	08/117,366	10/28/87	4,822,038	4/18/89
13961	FOUR-BAR VARIABLE RESISTANCE LEG EXTENSION MACHINE	07/239,606	09/01/88	4,838,548	06/13/89
13962	FOUR-BAR RIGID-DRIVE VARIABLE RESISTANCE PECTORAL FLY MACHINE	07/172,550	03/24/88	4,840,373	06/20/89
13963	FOUR-BAR VARIABLE RESISTANCE FRONTAL CALF DEVELOPING MACHINE	07/308,192	02/09/89	4,883,270	11/28/89
13964	FOUR-BAR VARIABLE RESISTANCE ARM EXTENSION MACHINE	07/368,408	06/19/89	4,917,379	04/17/90
13965	MULTIPLE STATION EXERCISE APPARATUS	07/658,077	02/20/91	5,085,430	02/04/92
13967	MOLDED TOP WEIGHT	07/862,295	04/02/92	5,199,935	04/06/93
13968	EXERCISE METHOD WITH ADJUSTABLE POSITION EXERCISE MEMBERS	08/008,395	01/25/93	5,263,915	11/23/93
13969	MULTI-HIP EXERCISER	07/918,251	07/22/92	5,308,304	05/03/94
13970	MULTI-HIP EXERCISER	08/190,994	02/03/94	5,354,252	10/11/94
13971	LEG PRESS	07/900,602	06/18/92	5,366,432	11/22/94
13972	MULTIPLE STATION EXERCISE APPARATUS (MULTI-LEVER)	08/173,921	12/27/93	5,417,633	05/23/95
13973	EXERCISE MACHINE WITH ADJUSTABLE POSITION EXERCISE MEMBERS	08/303,129	09/08/94	5,417,634	05/23/95

Our Ref:	Title	Serial No.	Filing Date	Patent No.	Issue Date
13974	EXERCISE APPARATUS WITH ELECTRONICALLY VARIABLE RESISTANCE	08/107,951	08/17/93	5,435,798	07/25/95
13975	MULTI-HIP EXERCISER	08/262,148	06/20/94	5,468,202	11/21/95
13976	ARCUATE TRICEPS/BICEPS	08/865,217	05/29/97	5,803,882	09/08/98
13977	FOUR BAR PENDULUM LEG PRESS EXERCISE APPARATUS	08/309,879	09/23/94	5,554,086	09/10/96
13978	EXERCISE MACHINE ADJUSTMENT MECHANISM	08/263,988	06/29/94	5,580,337	12/03/96
13979	ADJUSTABLE PRESS ARM	08/217,199	03/23/94	5,597,257	01/28/97
14191	CROSS TRAINING EXERCISE DEVICE	09/382,555	8/25/1999		
14419	CUSHIONED PIVOTING DECK	09/481,059	1/11/2000		
14421	TREADMILL MOTOR COOLING SYSTEM	09/519,676	3/6/2000		
14422	CROSS TRAINING EXERCISER DESIGN	29/112,291	10/13/1999		
14534	EXERCISE DEVICE	09/419,404	10/14/1999		
15275	DISPLAY PANEL EXTENSION	29/122,292	4/24/2000		
15528	TREADMILL CUSHIONS	60/203,651	5/12/2000		
15553	STATIONARY EXERCISE CYCLE	29/128,346	08/22/00		
15682	EXERCISE MACHINE PRESS ARM	09/271,689	03/18/99	6,080,091	06/27/00
15689	EXERCISE MACHINE PRESS ARM	09/602,198	06/22/00		